



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

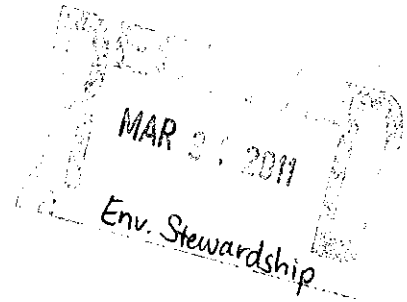
REGION I

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Certified Mail – Return Receipt Requested

**MAR 29 2011**

Scott Alfonse, Director  
Environmental Stewardship Department  
City of New Bedford  
133 William Street, Room 304  
New Bedford, Massachusetts 02740



Re: Acquired Residential Properties Remediation – TSCA Applicability

Dear Mr. Alfonse:

I write in response to the October 19, 2010 letter from your consultant, TRC Environmental,<sup>1</sup> concerning PCB-contaminated soils located at the following properties owned by the City of New Bedford:

- 101, 102, and 111 Greenwood Street
- 98, 108, and 118 Ruggles Street

The TRC letter requests EPA's determination as to whether the properties contain PCBs regulated under the Toxic Substances Control Act (TSCA). As indicated in the TRC letter, remedial actions to address contaminated soils at all the above properties will be conducted under a Massachusetts Contingency Plan (MCP) Release Abatement Measure, or other MCP-compliance planning document. In addition, any PCB-contaminated soils subject to cleanup under TSCA will have to be addressed in accordance with the PCB regulations at 40 CFR Part 761.

Three of the properties were found to have PCB concentrations at greater than or equal to ( $\geq$ ) 50 parts per million (ppm): 101 and 102 Greenwood Street, and 118 Ruggles Street. Three other properties (111 Greenwood Street, and 98 and 108 Ruggles Street) had PCBs at less than ( $<$ ) 50 ppm. Condition 1 of EPA's *August 31, 2005 Approval for Risk-Based Cleanup and Disposal* required the City to submit a plan to address PCB contamination on these properties if PCBs regulated under 40 CFR Part 761 were identified during assessment activities. In the alternative,

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<sup>1</sup> David Sullivan, TRC Environmental to Kimberly Tisa, EPA. Request for concurrence on regulatory opinion remediation of Polychlorinated Biphenyl (PCB)-impacted soils. October 19, 2010. TRC provided additional PCB analytical data on the above properties on March 9, 2011. These two submissions are referred to herein as the "TRC letter."

the City was permitted to submit documentation that cleanup of the PCBs was not regulated under 40 CFR Part 761. In the TRC letter, TRC concludes that only the PCB-contaminated soils at  $\geq 50$  ppm meet the definition of a *PCB remediation waste* as defined under 40 CFR § 761.3 based on property-specific information, including information gathered during field investigations, maps, and aerial photographs.

Based solely on the information provided by TRC, EPA determines:

1. Cleanup of the properties located at 111 Greenwood Street, and 98 and 108 Ruggles Street may be conducted under the MCP.
2. The PCB-contaminated soils at  $\geq 50$  ppm located at 118 Ruggles Street meet the definition of *PCB remediation waste* and are regulated for cleanup under 40 CFR § 761.61.
3. The PCB-contaminated soils with greater than ( $>$ ) 1 ppm located on the 101 and 102 Greenwood Street properties meet the definition of *PCB remediation waste* and are regulated for cleanup under 40 CFR § 761.61.

The City is required to develop and implement a PCB cleanup plan for the *PCB remediation waste* identified above.

In the event new information becomes available that would indicate that other PCB-contaminated soils at  $< 50$  ppm would be regulated for cleanup under 40 CFR Part 761, the City will be required to develop a cleanup plan to address those soils. EPA's determination applies solely to the properties that were identified in the TRC letter and has no bearing on any other property located within the Parker Street Waste Site.

Questions regarding this matter should be directly to Kim Tisa at (617) 918-1527.

Sincerely,



Mary Sanderson, Chief  
Remediation & Restoration II Branch  
Office of Site Remediation & Restoration

cc: D. Sullivan, TRC  
M. Cote, MassDEP  
File